

APPEAL NO. 022651  
FILED DECEMBER 5, 2002

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing (CCH) was held on September 16, 2002. The hearing officer resolved the disputed issue by deciding that the respondent (claimant) is not entitled to supplemental income benefits (SIBs) for the seventh quarter. The hearing officer's determination against the claimant was based on her findings that other records showed that the claimant is able to return to work and that the claimant did not make a good faith effort to seek employment during the qualifying period. The claimant has not appealed the hearing officer's decision. The appellant (carrier) appealed the hearing officer's findings that the claimant's unemployment during the qualifying period was a direct result of the impairment from the compensable injury and that the claimant provided medical evidence that he was unable to work. No response was received from the claimant.

DECISION

Although the carrier's appeal was not expressly made conditional upon the filing of an appeal by the claimant, we will treat it as a conditional appeal because the carrier prevailed at the CCH and is not aggrieved by the hearing officer's decision and order, which determined that the claimant is not entitled to SIBs for the seventh quarter. See Texas Workers' Compensation Commission Appeal No. 012650, decided December 21, 2001; Texas Workers' Compensation Commission Appeal No. 990212, decided March 18, 1999.

The carrier's appeal is dismissed. The hearing officer's decision has become final under Section 410.169.

The true corporate name of the insurance carrier is **ACE INSURANCE COMPANY** and the name and address of its registered agent for service of process is

**MARCUS CHARLES MERRITT  
6600 CAMPUS CIRCLE DRIVE EAST  
IRVING, TEXAS 75063.**

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Robert W. Potts  
Appeals Judge

CONCUR:

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Gary L. Kilgore  
Appeals Judge

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Margaret L. Turner  
Appeals Judge